

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 10-11-74, by Pltf.

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS																																			
<p>CHARLES A. LEWIS</p> <p>vs.</p> <p>CAROL LEWIS, BOBBY DEWAYNE LEWIS, a minor, CAROL LEWIS ADMINISTRATRIX with will annexed of the ESTATE OF CORA B. LEWIS, Deceased, and JOE SMITH</p> <p>For pltf:</p> <p>W. Rodney DeVilliers (LEWIS) Rogers & DeVilliers 2090 Liberty Tower Oklahoma City, Oklahoma - 73102 504 Midland Center 134 Robert S. Kerr Ave. Oklahoma City, OK 73102 232-1131</p>	<p>For plaintiff:</p> <p>Leslie L. Conner <i>sr.</i> 630 Hightower Bldg. Oklahoma City, Okla. 73102 405 235-1404</p> <p>Irvine E. Ungerman Wright Building Tulsa, Oklahoma 74103 584-6101</p> <p>Arthur Scheller <i>5-29-75</i> MITAN & MICHELOTTI, LTD. 134 North LaSalle Street - Suite 606 Chicago, Illinois 60602 (312-263-4408)</p> <p>For defendant:</p> <p>J. R. Hall, Jr. (Joe Smith) P. O. Box 888 Miami, Okla. 74354 (918-542-5558)</p> <p>Jack C. Brown (Lewises) 101 A S.E., P. O. Box 402 Miami, Oklahoma 74354</p> <p>Marion M. Dyer <i>Carol Lewis By</i> (Carol Lewis) Frazier & Dyer 1424 Terrace Drive Tulsa, OK 74104</p> <p>Phil Frazier, 1424 Terrace Drive, Tulsa, 74104 <i>939 2445</i> (for Defts. except Joe Smith)</p>																																			
<p>STATISTICAL RECORD</p> <p>J.S. 5 mailed <i>2-1-74</i> <i>6-1-76</i></p> <p>J.S. 6 mailed <i>7-1-75</i> <i>7-1-76</i></p> <p>Basis of Action: contested will & appl. for tem- porary restraining order</p> <p>Action arose at:</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">COSTS</th> <th style="width: 10%;">DATE</th> <th style="width: 20%;">NAME OR RECEIPT NO.</th> <th style="width: 10%;">REC.</th> <th style="width: 10%;">DISB.</th> </tr> </thead> <tbody> <tr> <td>Clerk</td> <td>1/9/74</td> <td>Ungerman</td> <td>15.00</td> <td></td> </tr> <tr> <td></td> <td>1-10-74</td> <td>C/D #26</td> <td></td> <td>15 00</td> </tr> <tr> <td>Marshal</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Docket fee</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Witness fees</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Depositions</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.	Clerk	1/9/74	Ungerman	15.00			1-10-74	C/D #26		15 00	Marshal					Docket fee					Witness fees					Depositions				
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DATE	PROCEEDINGS	Date Order or Judgment Noted
1-9-74	Complaint filed, summons issued.jj	
1-9-74	Mtn. for Temporary Restraining Order, filed.jj <i>also del 2 mtn.</i>	
1-9-74	Brief in Support of Mtn. for Temporary Restraining Order, filed.jj	
1-17-74	U.S. Marshals Service returned and filed. Executed by serving Complaint and Summons to Carol Lewis Adm., Carol Lewis and Joe Smith, 1-16-74 at Quapaw, Okla. (\$36.96)jj - Also, Bobby Dewayne Lewis, a minor, 1-16-74 at Quapaw, Okla.	
1-21-74	MO: It is ordered by the Court that Pltf's Mot. for TRO is MOOT, as Defts. have advised the Court they will not proceed in the matter until further order of the Court. (AEB-J)v -cps. mld. to Pltf.	
1-31-74	<u>Answer</u> of def., Joe Smith, filed. rm	
2-5-74	Mot. for Summary Judgment by Deft., Joe Smith, filed. v	
2-5-74	Brief in support, filed. v	
2-5-74	Ordered by the Court that Pltf. is granted 10 days from this date to respond to the Mot. for Summary Judgment filed by Deft. Joe Smith. (AEB-J)v	
2-5-74	Order-Granting Enlargement of Time, filed. (CS-CC) s.	
2-13-74	Response to Mot. for S/J by Deft. Joe Smith, fld. by Pltf. v	
2-19-74	Special appearance & mot. to dismiss & challenge to jurisdiction & venue, filed with brief in support. v	
2-19-74	Ordered by the Court that Plaintiff is granted 10 days from this date to respond to Defendants' "Special Appearance & Motion to Dismiss & Challenge to Jurisdiction & Venue". (AEB-J)v	
2-22-74	Summons ret. and filed: served on Edward Fauss, Okla. City, Okla. on 2-20-74 (USM \$4.00) e	
3-1-74	Appl. of pltf. for ext. of time to respond to defts' special appearance and mot. to dismiss & challenge to jurisdiction & venue, filed. g <i>to 3-15-74</i>	
3-4-74	Order ext. time/for pltf. to respond to defts' special appearance & mot. to dismiss & challenge to jurisdiction and venue, filed.(AEB-J)g	
3-15-74	Response & brief to the Mot. for Summary Judg. of the Deft. Joe Smith, filed. v	
3-15-74	Brief & response to the Special Appearance & Mot. to Dismiss & Challenge to Jurisdiction & Venue of Defts., filed. v	
4-3-74	ANSWER, Denial, and Brief To Response and Brief of Plaintiff, filed of deft's Carol Lewis, Bobby Dewayne Lewis, Carol Lewis, administratrix, and Joe Smith. e	
8-1-74	General appearance of Marion M. Dyer as counsel for Carol Lewis, def., & Response to brief of Plaintiff, filed.k	
9-10-74	Application of Ungerman, et al to withdraw as attorneys for Plaintiff, filed. b <i>advised by pltf.</i>	
9-11-74	Appln. of Jack C. Brown et al to withdraw as attorneys for deft, filed. lm <i>asking for any fees 8 to 5</i>	

(continued)

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-24-74	Order to withdraw as attorneys for plaintiff, filed, allowing Ungerman, Grabel & Ungerman, and Conner, Little & Conner to withdraw from case. (AEB-J)hm (copies mailed)	
9-25-74	Application to withdraw application to withdraw as attys for pltf., filed. hm <i>ahy</i>	
9-30-74	MO: It is ordered by the Court that pltf. & other defts. are granted 10 days to respond to application to w/draw as attorneys for deft. Carol Lewis. (AEB-J)k copies mailed	
10-10-74	OBJECTIONS of Pltff. to Allowance of Fees and Expenses as Prayed for in Appl. to Withdraw as Attys for Deft., filed.jj	
10-10-74	BRIEF in Support of Objs/ to Allowance of Fees and Expenses as Prayed for in Appl. to Withdraw as Attys for Deft.	
10-11-74	Appearance and <u>Jury Demand</u> , filed by Arthur Scheller for Pltff. v	
10-15-74	Order, filed, granting pltf. atty. permission to withdraw appl. to withdraw as atty. for pltf. (AEB-J)rm - copies mailed	
11-7-74	Order, filed, sustaining Mot. for S/J as to Defendt. Joe Smith. (AEB-J)k copies mailed	
11-7-74	Judgment, filed & entered, dismissing w/out prejudice deft. Joe Smith. (AEB-J)k copies mailed	
11-7-74	Order, filed, overruling special appearance & Mot. to Dismiss & Challenge to Jurisdiction & Venue filed by Carol Lewis, Bobby Dewayne Lewis, Carol Lewis, Administratrix w/ Will Annexed of the Estate of Cora B. Lewis, Deceased & Joe Smith. Defts. to answer compl. w/in 15 days (11-22-74). (AEB-J)k copies mailed	
12-6-74	Deft's APPLICATION for Extension of Time, filed. lm o to J	
12-9-74	Order, filed, granting deft. Carol Lewis until 12-20-74 to further plead or answer. (AEB-J)g <i>hand</i>	
3-18-75	MO: Case set for disposition on 4-29-75 at 10:00 a.m. for failure of deft. Carol Lewis to further plead or answer (due 12-20-74). (AEB-J)k cps by cert ml	
4-28-75	Answer of Defts. (not including Deft. Joe Smith), filed. v	
4-29-75	Case called for disposition for failure of Deft. C. Lewis to further plead or answer. Statements made. Mr. Brown allowed to withdraw from case. Case to be set for non-jury trial on 6-2-75, at 10:00 A.M. (AEB-J)b nts mld.	
5-21-75	for hearing & rec. MO: Case referred to Mag. Bradford /re Pltff's objs. to allowance of fees & expenses as prayed for in appl. to w/draw as attys for deft. (AEB-J)k	
5-29-75	Defendants' offer of judgment, filed. g	
5-29-75	MO: It is ordered that Arthur M. Scheller, Jr. is allowed leave to withdraw as counsel for plaintiff. (AEB-J)g	

5-29 Case called for disposition on 5-29

DATE	PROCEEDINGS	Date Order or Judgment Note
6-2-75	Case called for non-jury trial. Pltf & Deft. counsel present. Deft. announces he is serving offer of settlement on this date. Case passed to 6-20-75, at 10:00 A.M.(AEB-J)b	
6-6-75	Acceptance of Offer of Judgment by Pltf., filed. v	
6-6-75	Offer of Judgment, filed by Defts. Carol Lewis, Bobby DeWayne Lewis and Carol Lewis. v	
6-20-75	Case called for non-jury trial. Pltf's counsel present. Pltf. makes opening statements & presents case. witnesses sworn & testify. Court awards Pltf. \$25,000, \$1,000 of which goes to Pltf., the remainder to assignee bank & attorneys, as per settlement.(AEB-J)b	
6-20-75	Judgment, filed & entered, that pltf. Charles A. Lewis recover sum of \$25,000.00 from defts. Carol Lewis, Bobby DeWayne Lewis and Carol Lewis, Administratrix of Estate of Cora. B. Lewis; sum of \$1000.00 to be paid to Charles A. Lewis, \$9,520.00 to attys. Conner, Little & Conner and Ungerman, Grabel & Ungerman; sum of \$14,480.00 to the Banco de Londres 7 Mexico, S.A.; to be pd. on/before 12-1-75. (AEB-J)g cpies mailed.	
6-30-75	Plaintiffs' Motion for Vacation of Judgment and for New Trial, filed. mm	
7-2-75	Memo. Brief in Support of Mtn. for Vacation of Judg. and for New Trial, filed.jj	
7-7-75	MO: It is ordered by the Court that the defendant file a responsive brief within 10 days to the plaintiffs' Motion for Vacation of Judgment and for New Trial. (AEB-J) cps mld mm	
7-17-75	Reply by defs. to pltf. mo/vacate judg. and for new trial, filed. rm	
7-17-75	Response brief of def. to pltf. mo/vacate judg., filed. rm	
7-22-75	Response to Deft's Response Brief to Pltf's Mtn. for Vacation of Jgmt. and for new trial, filed.jj	
9-12-75	Reporter's transcript of proceedings had on 6/20/75, non-jury trial, filed. (Larry Marks-CR)rm	
1-12-76	MO: Case referred to Mag. Bradford for F&R re pending motions. (AEB-J)k	
2-25	MO: Case set for hrg. on pltf's mot. for vacation of judgment & for new trial before Mag. Bradford on 3-17-76 at 10:00 a.m. (MLB-Mag)k ntc by KT	
3-17	MO: Case called for hrg. before Mag. on pltf's mot. for vacation of judgment and for new trial. Parties present. Mag. finds that mot. should be sustained. Pltf. counsel to prepare F&R & proposed Order w/in ten (10) days. (MLB-Mag)k	
3-31	Findings and Recommendations of Mag., filed. (MLB-Mag)k cps mld	
3-31	Reporter's transcript of proceedings had on 3-17-76, filed. lm	
5-17	Order, filed, that the Mot. of Pltf. for new trial is sustained. (AEB-J)v -cps mld.	
5-25	MO: Case set for jury trial on 6-14-76 at 9:30 a.m. (AEB-J)k nts by cert ml w/ affid.	

CONTINUED

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>74-C-7</u>
CHARLES A. LEWIS		CAROL LEWIS, et al	PAGE <u>5</u> OF <u>3</u> XXXX sheets
DATE 1976	NR.	PROCEEDINGS	
6-10	MO:	Upon the oral announcement by Phil Frazier, attorney for defendant, that the parties would submit a joint application to dismiss, IT IS ORDERED that this case is stricken from the jury docket for 6-14-76, pending receipt of dismissal papers. (AEB-J)k cps mld	
6-14		Joint motion to dismiss, filed.s	
6-14		Order sustaining joint motion to dismiss and dismissing cause of action and complaint, filed and entered. (AEB-J)s cps. mld.	
7-11-80	--	EXHIBITS returned to pltf. hm	

PLAINTIFF		DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	

PAGE _____ OF _____ PAGES